

ANNUAL REPORT

OF THE

MONTANA STATE AUDITOR

TO THE

GOVERNOR OF MONTANA

HONORABLE THOMAS L. JUDGE

MONTANA STATE LIBRARY 930 East Lyndale Avenue Helena, Montana 59601

FOR THE
FISCAL YEAR ENDED
JUNE 30, 1973



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# STATE OF MONTANA

OFFICE OF

# E. V. "SONNY" OMHOLT

#### STATE AUDITOR

COMMISSIONER OF INSURANCE INVESTMENT COMMISSIONER CENTRAL PAYROLL SYSTEM

HELENA, MONTANA 59601

October 12, 1973

The Honorable Thomas L. Judge Governor State of Montana Helena, Montana

Re: Annual Report

In accordance with the requirements of Section 82-4002, R.C.M., 1947, there is herewith transmitted to you the report of the State Auditor for the fiscal year ending June 30, 1973.

It is the purpose of the State Auditor, an elective officer, to serve the citizens of this state and our colleagues in the manner and spirit established by the laws and constitution of the State of Montana. This has been accomplished.

In accordance with the statutory responsibility of function as Ex Officio Commissioner of Insurance, Investment Commissioner and Director, Central Payroll the State Auditor must delegate specific and assigned duties to deputies and assistants possessing technical knowledge and skill commensurate with the tasks at hand. With a public demand for additional services this office stands ready to meet all requests.

This report is respectfully submitted.

Sincerely,

E. V. "SONNY" OMHOLT

State Auditor

EVO:eh

#### STATE AUDITOR

#### PRINCIPAL ADMINISTRATIVE OFFICERS

THE HONORABLE E. V. "SONNY" OMHOLT

Roy L. Phelps

William E. Smith

Harry H. Jones

Maurice W. Smith

Kathleen M. Behm

Elizabeth B. Hallowell

State Auditor

Chief Deputy State Auditor

Chief Deputy

Commissioner of Insurance

Chief Deputy

Investment Commissioner

Executive Administrator Hail Insurance Board

Director

Central Payroll

Administrative Assistant

# Principal Offices

Capitol - Helena, Montana 59601 Central Payroll - Sam W. Mitchell Building - Helena, Montana 59601 Hail Insurance Board now a division of the Department of Agriculture

# HOTELSKA STATES

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State Auditor

Chief Deputy State Audito

Chief Deputy Commissioner of Insurance

Chief Deputy Investment Commissioner

Executive Administrator

Pirector Central Payroll

Administrative Assistant

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## GENERAL

The State Auditor in Montana is a constitutional official of the Executive Branch of State Government. The state constitution - both the old constitution and the recently adopted new constitution - provide that the State Auditor is to be elected at general elections and to serve a four year term to perform such duties as prescribed by the state constitution and law.

By statute, the office of the State Auditor retains the following functions:

Insurance Regulation - Regulation of the insurance industry in the state.

Investment Regulation - Administration of the Montana Securities Act.

Certain fiscal control functions - The main duties are the physical control, signing and distribution of state warrants and administration of the state central payroll system.

Until September 1, 1972, the State Auditor, in his capacity as commissioner of insurance, also had the statutory responsibility for administration of the office of the state fire marshal. This function has since been transferred to the state department of justice, pursuant to the executive reorganization act of 1971.

The 1971 Reorganization act provided for the transfer of administrative operations of the State Board of Hail Insurance to the office of the State Auditor. The 1973 Legislative assembly subsequently passed legislation (Chapter 395, Laws of 1973) to transfer the responsibility for the board's administrative operations from the State Auditor's office to the State Department of Agriculture, effective July 1, 1973.

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## AUDITOR

The office of Montana State Auditor is an elective office, first created in 1885 by the Montana constitution and continued under the newly written Montana constitution.

In addition to supervising the auditing of the state's fiscal operations, the State Auditor is also:

Section 40-2701 - Ex Officio Commissioner of Insurance Section 15-2001 - Ex Officio Investment Commissioner Section 25-5071 - Director - State Central Payroll - Director - Board of Hail Insurance Section 23-1814 - Member State Election Canvas Board Section 44-402 - Member - Board of Trustees - State Law Library

The State Auditor is accountable for all warrants issued through the state's central accounting system; auditing of state warrant expenditure computer runs; maintaining a detailed accounting of all outstanding warrants; auditing of cash in State Treasury transactions; distribution of warrants to appropriate payee and proper recording and storage of all cashed state warrants. The Auditor is also charged to collect and pay into the State Treasury all fees received by him and to perform such other duties as prescribed by law.

#### PRINCIPAL GOALS

Principal goals of the office of State Auditor are to continue the maintenance of a system of checks and balances to enable the State Auditor to suggest plans for improvement and management of public revenue, as well as to provide a fiscal information center for the use of all other state agencies, state departments and to serve courteously and efficiently all citizens of this state.

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During the period covered by this report, the programs administered by the State Auditor's office consisted of administrative support, fiscal management and control, insurance regulation, investment regulation and fire prevention. The office is located in the capitol.

The office had recorded expenditures of \$489,289 for operations during 1972-73. Cross over matrix and supporting exhibits show the office collected and distributed over \$8,000,000 in revenue and \$70,000,000 in administering the central payroll operation.

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#### STATE OF MONTANA

### Annual Report

#### STATE AUDITOR

Date: October 10, 1973

Incumbent: E. V. "SONNY" OMHOLT

Reports to: Electorate

State Auditor & Ex Officio
Commissioner of Insurance
Investment Commissioner
Member - State Canvas Board
State Land Board

State Law Library Board

Director - Central Payroll

Position or Duties:

#### Montana Constitution 1972

Article VI, Sections 1-4. The State Auditor shall have such duties as provided by law.

Article X, Section 4. Provides that the State Auditor shall be a member of the State Land Commission

Montana State Auditor Statutory Responsibilities

R.C.M., 1947 w/changes. Section 15-2001 (Blue Sky Laws)
The administration of the provisions of the Securities Act of Montana.

Section 16-2426

The Montana State Auditor reports all state funds, as reconciled with the State Treasurer each month.

Section 23-1814

The State Auditor is a member of the State Election Canvas Board.

Section 25-507.1-.10

State Central Payroll System

Section 25-601

Salaries of certain county officials must be certified to the office of State Auditor.

Section 40-2701

The State Auditor shall be ex-officio Commissioner of Insurance.

MARKET AND THE

State Auditor & Ex Officia Constantonuciae Insurance Investment Commissioner Contral Land Open State Land Open State Land Open Uloctor - Central Laveur

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Section 44-402

The State Auditor is one of seven members, Board of Trustees, Montana State Law Library.

Section 79-101 - 110

The State Auditor's duties are to superintend the fiscal concerns of the state.

Section 83-901

Notice of State Auditor assignments of claims against the State of Montana, unless the assignee files written notice of any assignment with the State Auditor's office, said assignment of monies due from the State of Montana shall be null and void and unenforceable against the state.

Section 93-304

District Judges affidavits.

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# MAJOR ACCOMPLISHMENTS - AUDITOR

The major accomplishment of the office of the State Auditor remains as striving for maximum productivity and efficiency in all programs in order to better serve the public and State of Montana.

# WARRANTS PROCESSED

| 1971-72                                       | 1972-73                                       | Type of Warrant  |
|---|---|--|
| 419,572<br>171,608<br>42,961<br>32,841<br>250 | 490,451<br>216,607<br>40,681<br>32,097<br>529 | All Purpose State of Montana payroll Montana State University payroll University of Montana payroll State Emergency warrants |

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# FINANCIAL RECAP

# Fiscal Management and Control

| Personal Services<br>Operations<br>Capital                          | \$103,791.23<br>152,832.31<br>549.00   |
|---|--|
| <u>Total</u>  | \$257,172.54                           |
|   |  |
| Source of Funding   |  |
| General Fund<br>Revolving Fund<br>Federal and Private Revenue - EEA | \$161,525.22<br>74,974.00<br>20,673.32 |
| <u>Total</u>  | \$257,172.54                           |

# Administrative Support

| Personal Services<br>Operations | \$ | 56,227.62<br>300.00 |
|---------------------------------|----|---------------------|
| <u>Total</u>                    | \$ | 56,527.62           |
|                                 | -  |                     |
| Source of Funding               |    |                     |
| General Fund                    | \$ | 56,527.62           |
|                                 |    |                     |

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As of June 30, 1973, the State Auditor reported records were kept on 410 active accounts for the State of Montana with 346 balances. Total net cash balance in all state funds as of June 30 was \$12,664,584.32 more than at the close of business June 30, 1972. According to E. V. "Sonny" Omholt, State Auditor, the net cash balance in all state funds as of June 30, 1973, was \$80,959,524.26 compared with \$68,294,939.94 one year ago.

Included in the net cash balance as of June 30 was a General Fund balance of \$26,049,589.14 as compared with \$7,493,108.26 one year ago.

State bonded indebtedness as of June 30, 1973, was \$81,784,100.00 compared with \$85,061,000.00 June 30, 1972. Total state funds invested as of June 30, 1973 was \$347,044,542.64 compared with \$280,044,608.54 the previous year.

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E. V. "SONNY" OMHOLT, STATE AUDITOR

| CROSSOVER MATRIX                         |                                     |                                  | PROGRA                            | PROGRAM FUND STRUCTURE                          | TURE  |  |                                      |     |
|--|-------------------------------------|----------------------------------|-----------------------------------|---|---|--|--------------------------------------|-----|
| PRESENT PROGRAM STRUCTURE                | Program<br>Costs<br>1972-73<br>F.Y. | Fiscal Management C General Fund | ontrol<br>entral Pay<br>levolving | Federal and<br>Private<br>Revenue -<br>EEA - 71 | Adminis-<br>trative<br>Support -<br>General<br>Fund | General<br>Fund -<br>Insurance<br>Department | General Fund - Investment Department |     |
| Fiscal Management and Control<br>Auditor | 161,525                             | 161,525                          | 74,974                            |   |   |  |                                      |     |
| Central Payroll                          | 74,974                              |                                  |                                   |   |   |  |                                      |     |
| Insurance Division                       | 142,711                             |                                  |                                   |   |   | 142,711                                      |                                      |     |
| Investment Division                      | 32,878                              |                                  |                                   |   |   |  | 32,878                               |     |
| EEA - 71                                 | 20,673                              |                                  |                                   | 20,673  |   |  |                                      | 2.2 |
| Administrative Support                   | 56,528                              |                                  |                                   |   | 56,528  |  |                                      |     |
| TOTALS                                   | 489,289                             | 161,525                          | 74,974                            | 20,673  | 56,528  | 142,711                                      | 32,878                               |     |
|  |                                     |                                  |                                   |   |   |  |                                      |     |

## DIVISION - CENTRAL PAYROLL SYSTEM

## I. Accomplishments

By the end of the fiscal year arrangements had been made to convert State of Montana payrolls to a uniform bi-weekly system.

We are looking to further improve the payroll system to provide more information needed by various departments.

Currently on the Central Payroll System approximately 10,000 people are paid every other Thursday. The uniform payday has been maintained since its beginning July 1, 1969.

Central Payroll, in looking toward the future, has as the objective paying all State of Montana employees under one system. Presently they are looking forward to putting the smaller university units on the Central Payroll System and then adding all university employees.

## II. Recommendations

Again the Central Payroll system would recommend the Central Payroll system be self supporting and bill each agency for payroll services on a per employee per month basis.

One insurance program for all state employees would be beneficial to both the State of Montana and its employees.

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## DIVISION - INSURANCE

## I. Purpose

The purpose or goal of the State Auditor in respect to his duties as Insurance Commissioner is to provide the individual Montana consumer of insurance products with the greatest possible protection while regulating the business in such a way as to encourage the companies to make essential insurance coverage readily available to the public.

## II. General Powers and Duties

The statutory power and responsibilities of the State Auditor as Ex Officio Commissioner of Insurance are set out in Chapter 27, Title 40, R.C.M., 1947, and are briefly summarized as follows:

- (a) The legislature, while giving the auditor the authority to act as insurance commissioner, also created an insurance department and stipulated funds adequate for the maintenance and operation of same would be expressly appropriated by the legislative assembly and such funds would be used solely for the purpose for which so appropriated. In this framework of fiscal responsibility the commissioner is charged with enforcing the provisions of Title 40, R.C.M., 1947, and amendments thereto, and in so doing may conduct examinations and investigations as he may deem proper. He has additional powers and duties as are provided by other laws of the state.
- (b) The Commissioner makes reasonable rules and regulations necessary for or as an aid to effecuation of any provision of Title 40.
- (c) As early in the calendar year as is reasonably possible, the Commissioner annually prepares and delivers a report to the legislative assembly and the governor wherein information required by Section 40-2711, R.C.M., 1947, is contained.
- (d) The Commissioner examines the affairs, transactions, accounts, records and assets of each authorized insurer as often as he deems advisable. He shall so examine each domestic insurer not less than every three years. The Commissioner in like manner shall examine each insurer applying for an initial certificate of authority to do business in Montana.

In addition, the Commissioner, may, at any reasonable time, make or cause to be made, an examination of every admitted

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insurer transacting any class of insurance to which the provisions of Chapter 36, Title 40, as revised, are applicable to ascertain whether such insurer, and every rate and rating system used by it for every class of insurance complies with the requirements and standards of Chapter 36, Title 40, as revised, applicable thereto. Such examination shall not be a part of a periodic general examination participated in by representatives of more than one state.

(e) For the purpose of ascertaining compliance with Title 40, the Commissioner, as often as he deems advisable, examines the accounts, records, documents and transactions pertaining to or effecting any agent, solicitor any person having a contract under which he enjoys in fact the exclusive or dominant right to manage or control an insurer, any person holding the shares of voting stock or policy holder proxies of a domestic insurer for the purpose of controlling the management thereof as voting trustee or otherwise and any person engaged in or proposing to be engaged in or assisting in the promotion or formation of a domestic insurer or insurance holding corporation or a corporation to finance a domestic insurer or the production of its business.

# III. Accomplishments and Services Rendered

(a) For the fiscal year ending June 30, 1973, a total of \$6,812,473.14 was collected in fees and taxes during the year. The examination staff processed 45 applications by insurers desirous of doing business in Montana, bringing to 897 the number of insurance companies now under the jurisdiction of the insurance department. During the same period six companies withdrew from the state and 12 reorganizations were processed.

For the year 951 agent qualification examinations were given with 152 of these being recorded at the Billings testing site. 56 of these examinations were for variable annunities.

1,183 written insurance complaints and requests for information were received, reviewed and concluded during the year. The policyholders service division receives an additional 1,475 personal and telephone inquires annually on matters pertaining to insurance claims, rates, policies, agents and companies.

19,995 agent licenses, including renewals, were issued during the fiscal year. Approximately 19,703 policy forms were received, reviewed and recorded. In addition, 1,800 special or bureau filings affecting a majority of licensed insurance companies were processed.

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## IV. Services Provided

- 1. Collection and allocation for distribution of \$1,066,007.15 in taxes from specified insurance coverage to eligible firemen relief associations and police pension plans.
- 2. State bonds and/or insurance certificates are reviewed monthly to verify coverage and countersignature of licensed agents of the surety company involved and also to confirm the authority of the company official to execute the bond as power of attorney. This service is performed for the following state departments:

Highway
Fish and Game
Administration
Agriculture
Livestock
Revenue
Public Service Regulation
Land Commission

3. Each year after renewals have been processed, an individual listing is prepared and mailed to each agent, with the exception of individuals licensed for life only, advising him of how his license appears on department records and listing all insurers who have renewed his appointment for the coming year. This service has been offered only a short time and is of particular value to the agent, due to the fact the only license he holds is a permanent license and unless he has been notified by the insurer, there is some question as to which companies have renewed his appointments.

As a footnote to the achievements of the insurance department it might be interesting to note how Montana compares to bordering states in certain statistical categories which can easily be related to work load activity. The states for which we have accessible data include Idaho, Wyoming and North and South Dakota. Most current figures available are for the year ending December 31, 1971, and were compiled by the Insurance Industry Committee of Ohio. The report indicates the composite staff personnel average is 17 people while Montana had 11 or 41% less. The composite average of companies licensed in the above mentioned states was 803, Montana had 842 or 5% more. Taxes and fees collected by our neighboring states averaged \$4,300,267 or 30% less than the \$6,115,748 collected in Montana for the same year. The appropriation or average budget in the four states was \$216,557 or 57% greater than the \$137,565 expended by Montana.

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# FINANCIAL RECAP

# Insurance Regulation and Licensing

| Personal Services<br>Operations | \$109,359.42<br><u>33,351.98</u> |
|---------------------------------|----------------------------------|
| <u>Total</u>                    | \$142,711.40                     |
|                                 |                                  |

# Source of Funding

| General | Fund | \$142,711.40 |
|---------|------|--------------|
|         |      |              |

Statement of Income - 7/1/72 to 6/30/73 \$6,812,473.14

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STATE OF MONTANA

E. V. "SONNY" CMHOLT State Auditor Commissioner of Insurance Helens, Montena

|  | 1967 1968 | 03.73 \$ 89,444.00 \$ 91,092.50   | 45.91 51,316.34 56,417.91                         | 30,99 31,860,55 29,971,99 | 20.97 1,605,156.69 1,643,102.73  | 216.54 234.71 268.94           | 56.80 1,583,303.67 1,643,097.61 1,774,334.12 | 27.99 54,635,97 53,555.01 | \$3,167,052.93 \$3,415,951.93 \$3,517,506.69 \$3,822,616.96 \$4,931,699.58 \$5,383,425.37 | 3 651 707  |
|--|-----------|---|---|---------------------------|--|--------------------------------|--|---------------------------|---|--|
| DING JUNE 30   | 1965      | 5 \$ 89,746.06 \$ 90,003.73   | 8 47,195,52 55,245,91                             | 28,721.91 29,680.99       | 3 1,376,939.21 1,480,520.97  | 159.73                         | 7 1,388,658.09 1,460,356.80                  | 45,818,06                 | \$2,977,238.58  | 620 648  |
| 45 FOR THE FISCAL YEAR ENDI                                      | 1963      | 120,955.00 \$ 91,152.55 \$  | 43,225.30 59,897.38                               | 27,313.12 27,817.81       | ,290,619.59 1,331,565.13   | 295.99                         | 1,086,352.74 1,154,144.40 1,303,425,77       | 40,457.62 40,083.28       | \$2,485,564.52 \$2,676,971.04 \$2,854,237.87  | 564 982  |
| INSURANCE DEPARTMENT COLLECTIONS FOR THE FISCAL YEAR ENDING JUNE | 1962      | Agent, Adjus-<br>ter, Solicitor<br>and Misc.<br>License Fees \$ 101,165.08 \$ 120,955.00 \$ | Company L1-<br>cense and<br>Filling Fee 48,301.60 | Fire Marshel 27,511.74    | Property, Ces-<br>ualty & Misc.<br>Presium Tex 1,182,051.94 1,290,619.59 | Marine Pre-<br>mium Tax 243.93 | Life end Disa-<br>billty Premlum<br>Tex      | Retaliation 39,937.49     | TOTAL \$2,485,564.52 \$2,   | Number of<br>Compenies<br>Authorized to<br>do Business in<br>Montana 563 |

#### DIVISION - INVESTMENT

#### I. Purpose

The purpose of the Office of the Investment Commissioner is for the protection of Montana investors.

#### II. General Powers and Duties

The office of the Investment Commissioner is under the general supervision and control of the State Auditor, the ex officio Investment Commissioner, and is charged with the administration of the provisions of the Securities Act of Montana.

Briefly stated the Securities Act provides for the following:

- (a) Registration of securities by notification, coordination and qualification
- (b) Registration of broker-dealers
- (c) Registration of investment advisers
- (d) Registration of salesmen
- (e) Investigations and examinations within the state.

In addition to the above the investment commissioner is empowered to promulgate, amend and rescind such rules and forms as are necessary to carry out the provisions of said act.

The commissioner maintains a close liason between securities administrators of other states and the United States Securities and Exchange Commission. The result is an exchange of valuable information including information with respect to promoters and their activities and background information on applicants for registration as securities salesmen, broker-dealers and investment advisers.

### III. Accomplishments and Services Rendered

Securities of 302 companies were initially registered during the 1972-73 fiscal year, having a total valuation of \$137,830,184.50. The securities registration of 327 companies was renewed for an aggregate valuation of \$132,531,135.74. During the same period the office registered 16 broker-dealers, three investment advisers and renewed the registrations of 124 broker-dealers and eight investment advisers. The office also processed 1,055 securities salesmen registrations.

In addition to the above, the office reviewed and examined the securities registration of an additional 103 companies which were withdrawn due to market conditions or by the request of the commissioner.

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Investigations by this department, as well as the exchange of of information with the securities commissioners of other states and the United States Securities and Exchange Commission, have caused numerous dubious offers and sales of securities in Montana to be halted. It is also well to mention that the departments' liason with other states and the United States Securities and Exchange Commission has also resulted in severly curtailing or stopping these same sales and offers of securities in other states as well.

## FINANCIAL RECAP

# Investment Regulation and Licensing

| Personal Services<br>Operations |                | \$30,055.16<br>2,822.42 |  |  |
|---------------------------------|----------------|-------------------------|--|--|
| <u>Total</u>                    | *              | \$32,877.58             |  |  |
|                                 |                |                         |  |  |
| Source of Funding               |                |                         |  |  |
| General Fund                    |                | \$32,877.58             |  |  |
|                                 |                |                         |  |  |
|                                 |                |                         |  |  |
| Statement of Income - 7/1       | /72 to 6/30/73 | \$120,885.75            |  |  |

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#### ADMINISTRATION - HAIL INSURANCE

Services Provided - Hail insurance at a minimum cost to all Montana grain farmers. Any farmer who applies to his county assessor for hail insurance with the state hail fund and who meets the requirements of not having more than one year's deliquent premium against his real estate is issued a hail policy. This results sometimes in a very high liability in certain areas which greatly increases the risk assumed by this board and makes an ample reserve fund vitally necessary to pay all losses in full.

Objective - The objective of the State Board of Hail Insurance is to give our farmers the best service possible by having their losses adjusted promptly by competent adjusters and paying proven losses in full.

Specific target group is the grain farmers of Montana.

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#### ACHIEVEMENTS - HAIL INSURANCE

The success of the Hail Insurance program depends on a satisfied policy holder. This has been achieved by our past services and proven by a steady growth of business. Relationship to the independent hail insurance companies has been improved. Their cooperation is beneficial to a satisfactory loss adjustment.

In the fifty-five years of existence, this agency has been self supporting.

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## PROGRAM COST SUMMARY - HAIL INSURANCE

|  | Fiscal Year<br>1971-72         | Fiscal Year<br>1972-73         | Increase  |
|--|--------------------------------|--------------------------------|-----------|
| Hail Insurance   | \$ 967,169                     | \$1,001,597                    | \$ 34,428 |
| Total Program  | \$ 967,169                     | \$1,001,597                    | \$ 34,428 |
| Personal Services<br>Operating<br>Grants and Transfers | \$ 38,294<br>20,099<br>908,776 | \$ 41,710<br>24,504<br>935,383 |           |
| Earmarked Revenue Fund<br>Agency Fund                  | \$ 58,393<br>_908,776          | \$ 66,214<br>935,383           |           |
| Total Funding  | \$ 967,169                     | \$1,001,597                    |           |

American April (miles)

### PERFORMANCE INDICATORS - HAIL INSURANCE

| Factor  | Fiscal Year<br>1972-73               | Fiscal Year<br>1971-72                      |  |  |
|---|--------------------------------------|---|--|--|
| Policies issued<br>Losses paid<br>Days with hail    | 2,634<br>180                         | 2,576<br>471<br>63                          |  |  |
| Total risk written<br>Premium charge<br>Losses paid | \$11,680,000<br>1,042,000<br>142,525 | \$10,177,714.32<br>908,297.06<br>380,439.22 |  |  |

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### PRINCIPAL OFFICERS - HAIL INSURANCE BOARD

| Officer - Term of Office                          | Home Address   |
|---|--|
| Maurice W. Smith Administrative Director          | 3124 Vigilante Drive<br>Helena, Montana 59601        |
| James W. Stephens, Chaîrman<br>4-18-70 to 4-18-76 | Dutton, Montana 59433                                |
| Thomas A. Deveny<br>4-18-71 to 4-18-74            | Forsyth, Montana 59327                               |
| Adrien R. Long<br>4-18-69 to 4-18-75              | Wolf Point, Montana 59201                            |
| Hollis G. Connors<br>Ex Officio                   | 205 North Harrison Avenue<br>Townsend, Montana 59644 |
| George T. Lackman<br>Ex Officio                   | 2023 Eighth Avenue<br>Helena, Montana 59601          |

## Principal Office

1300 Cedar Street - Helena, Montana 59601

